

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6876

BILL NUMBER: SB 286

NOTE PREPARED: Jan 2, 2012

BILL AMENDED:

SUBJECT: Department of Child Services.

FIRST AUTHOR: Sen. Lawson C

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Pending

Summary of Legislation: This bill has the following provisions:

- (1) Requires the Department of Child Services (DCS) to conduct a criminal history check of certain individuals before reunification of a child with the child's parent, guardian, or custodian.
- (2) Provides that an audio recording of a telephone call to the child abuse hotline is confidential and may be released only upon court order.
- (3) Provides that an audio record of a report of child abuse or neglect that is the subject of a complaint made to a prosecuting attorney shall be released to the prosecuting attorney upon request of the prosecuting attorney.
- (4) Allows the DCS to consider the results of a criminal history check in deciding if a child can be reunified with the child's parent, guardian, or custodian.
- (5) Requires a court to order a guardian to provide financial assistance to support a minor or incapacitated person if the DCS is going to provide financial assistance to a guardian for the benefit of the minor or incapacitated person.
- (6) Requires the DCS to establish a residential placement committee and a permanency roundtable to review certain placements of children.
- (7) Requires a person filing a petition to terminate parental rights to request a hearing on the petition.
- (8) Provides that if a hearing regarding a petition to terminate parental rights is not commenced or held within a certain time, the court shall dismiss the petition.
- (9) Removes requirements that a county pays for certain child placements.
- (10) Provides that a court may appoint a court appointed special advocate (CASA) or guardian ad litem (GAL) only if the person has training appropriate for that role.
- (11) Changes the number of days for which the DCS may grant a waiver for the maximum stay for a child

if the child caring institution or group home caring for the child is a licensed shelter care facility.

(12) Provides that operators of therapeutic foster homes are certified and not licensed.

(13) Provides that the DCS may make certain reports and material available to the State Superintendent of Public Instruction.

(14) Provides that the results of an administrative hearing regarding an investigation into child abuse or neglect shall be forwarded to the Department of Education (DOE) in certain circumstances.

(15) Modifies the definition of "child abuse or neglect", "victim of child abuse or neglect", "child", "related", and "foster family home".

(16) Provides that a person may operate a foster family home for a related person without a license.

(17) Provides for the creation of regional based fatality review teams.

(18) Changes the law regarding:

(a) the disclosure of certain reports regarding the fatality or near fatality of a child;

(b) the expungement of reports of child abuse and neglect;

(c) when a child is a child in need of services (CHINS); and

(d) requirements of a motion to dismiss a petition to terminate parental rights.

(19) Provides that certain administrative hearings may be stayed pending a decision to prosecute the case.

(20) Expands the applicability of a chapter concerning child videotape testimony in CHINS proceedings.

(21) Requires a court to hold an initial hearing regarding a child alleged to be a CHINS within 48 hours of the filing of the petition.

(22) Provides additional circumstances establishing prima facie evidence that there is a reasonable probability that:

(a) the conditions that resulted in the removal of a child from a parent will not be remedied; or

(B) the continuation of the parent-child relationship poses a threat to the well being of a child.

(23) Repeals older youth foster care and replaces it with a collaborative care program.

(24) Repeals a chapter requiring the DCS to make certain reports to the General Assembly.

(25) Repeals a circumstance when a child is a CHINS.

Effective Date: Upon passage; July 1, 2012.

Explanation of State Expenditures: *As of the above date, the fiscal analysis of this bill has not been completed. Please contact the Office of Fiscal and Management Analysis for an update of this fiscal impact statement.*

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected:

Information Sources:

Fiscal Analyst: Bill Brumbach, 232-9559.